

120001252

*Instrument prepared by:*

**VIRGINIA GAS AND OIL BOARD**

*Order recorded under:*

**CODE OF VIRGINIA  
§ 45.1-361.26**

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**RELIEF SOUGHT:** An Order for Disbursement of Escrowed Funds  
(and Authorization for Direct Payment of Royalties)

**JURISDICTION:** *Code of Virginia* § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

**UNIT/WELL NAME:** S-35  
**TRACT(S):** A portion of Tract 3  
**LOCATION:** Buchanan County, Virginia

**DOCKET NUMBER:** VGOB-98-0915-0681-07

**APPLICANTS** CNX Gas Company on behalf of Hurt McGuire Land Trust and Wesley Perkins and Tania Hess.

**HEARING DATE AND LOCATION:** Russell County Government Center, Lebanon, Virginia  
March 13, 2012

**APPEARANCES:** Mark Swartz representing CNX Gas Company, LLC, Sharon Pigeon, Sr. Assistant Attorney General representing the Board.

**PRIOR PROCEEDINGS:**

On March 24, 1998 the Board executed its order pooling with the Clerk of the Circuit Court of Buchanan County on December 7, 1998, Instrument Number 980003256.

The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk on May 12, 1999, Instrument Number 990001278.

The Board executed its Disbursement 01 order on April 2, 2005 Instrument 040001006 and making additions and corrections from the unit operator

The Board executed its Repooling Order -02 on May 16, 2006 which was filed with the Clerk on September 26, 2006, Instrument Number 060003146.

BECAUSE OF AN OVERPAYMENT TO Arthur M. Stilwell from Unit T-36 VGOB - 98-0324-0625-05 in 2007, a portion of the T-36 overpayment will be recovered and a transfer of funds will occur from this Unit and disbursement to Unit T-36.

On April 21, 2009, the Board executed its Disbursement Order -03. The Disbursement Order -03 was filed with the Clerk of the Circuit Court in Buchanan County, Virginia on August 4, 2009, Instrument 090002349. This Supplemental Order -03 for Disbursement was revised on August 31, 2009 to correct disbursement percentages and payments due gas owners. The revised Supplemental Order was recorded with the Clerk of the Circuit Court in Buchanan County, Virginia on October 29, 2009, Instrument 090003364.

On May 10, 2010 the Board executed the Disbursement Order -04 The order was recorded with the Clerk on May 26, 2010, Instrument No. 100001393.

On April 28, 2011 the Board executed the Disbursement Order -05. The order was recorded with the Clerk on May 20, 2011.

On October 25, 2011 the Board executed the Disbursement Order -6. The order was recorded with the Clerk on November 14, 2011.

**NOTICE:**

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the March 13, 2012 hearing and consider whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to a portion of Tract 3 identified in the attached miscellaneous petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract 3 relative to the interests of the Applicants identified in the attached miscellaneous petition into this account as royalties are currently being paid under VGOB 08-1118-2367 Docket for the Buchanan No. 1 SGU2 Unit.
- (3) CONTINUE the escrow account under this docket number.

**FINDINGS:** *Code of Virginia § 45.1-361.22*

Applicant has certified and represented to the Board that:

1. The owner of the coal estate for Tract 3 Hurt McGuire Land Trust for the subject drilling unit.
2. The owner of a portion of the gas estate for Tract 3 is Wesley Perkins and Tania Hess for the subject drilling unit.
3. The conflict was resolved by a split agreement executed by the afore mentioned parties (50/50) attached hereto and entered in testimony at the March 13, 2012 hearing as shown in Table 1. Below.

**RELIEF GRANTED:**

VGOB Approved Disbursement  
VGOB 98-0915-0681-01  
S-35

TABLE 1  
A Portion of Tract 3

			Fractional Ownership in Tract	Net Acreage Ownership in Tract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed
		Disbursement Table					
		Total acreage in escrow before disbursement				0.8778	
		Tract 3 total acreage in escrow	1.15				
	3	Dorothy Perkins Heirs					
1	3	Wesley D. Perkins 305 Bane Bottom Av., Cedar Bluff, VA 24609		0.0575	50.0%	0.0288	3.2752%
2		Tania Hess 195 Anglenwood Lane, Cedar Bluff, VA 24609		0.0575	50.0%	0.0288	3.2752%
1	3	Hurt McGuire Land Trust P. O. Box 1067, Bluefield, VA 24605		0.1150	50.0%	0.0575	6.5505%

2

**1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.**

**2. The Escrow Agent is ordered to CONTINUE the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.**

**CONCLUSION:**

**Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.**

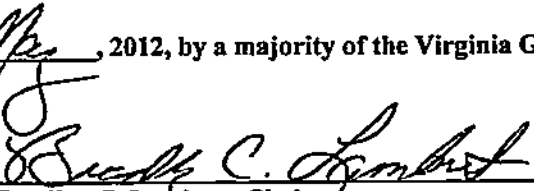
**APPEALS:**

Appeals of this Order are governed by the provisions of the *Code of Virginia* § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

**Effective Date:**

**This Order shall be effective on the date of its execution.**

DONE AND EXECUTED this 31 day of May, 2012, by a majority of the Virginia Gas and Oil Board.

  
Bradley C. Lambert, Chairman  
Virginia Gas and Oil Board

DONE AND PERFORMED this 31<sup>ST</sup> day of MAY, 2012 BY Order of the Virginia Gas and Oil Board.

  
Rick Cooper, Principal Executive to the Staff  
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL)

Acknowledged on this 31 day of May, 2012, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and Rick Cooper, being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed the same and were authorized to do so.

  
Diane J. Davis, Notary Public #174394

My commission expires: 09/30/2013



4

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 98-0915-0681-07

RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING a portion of TRACT(S) 3  
(Royalties currently being paid under  
Buchanan No.1 SGU2, VGOB 08-1118-2367)

HEARING DATE: March 13, 2012

DRILLING UNIT: S-35

BUCHANAN COUNTY, VIRGINIA

Received  
FEB 2012  
DGO - Lebanon

MISCELLANEOUS PETITION

1. Petitioner and its counsel: Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, WV 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, SWARTZ LAW OFFICES, PLLC., 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. Relief sought: (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to a portion of Tract(s) 3 as depicted upon the annexed Exhibit A-1; (Royalties currently being paid under Buchanan No.1 SGU2, VGOB 08-1118-2367)

3. Legal Authority: Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. Type of well(s): Coalbed methane.

5. Factual basis for relief requested: Hurt McGuire Land Trust and Wesley Perkins and Tania Hess have entered into royalty split agreement(s). The annexed Exhibit A-1, further, specifies how said royalties are to be divided and paid.

6. Attestation: The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC  
BY ITS PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER

By: 

Anita D. Duty  
Pooling Supervisor  
CNX Land Resources, Inc.  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

5

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY THE LAND RESOURCES, INC. AND WERE NOT SURVEYED.

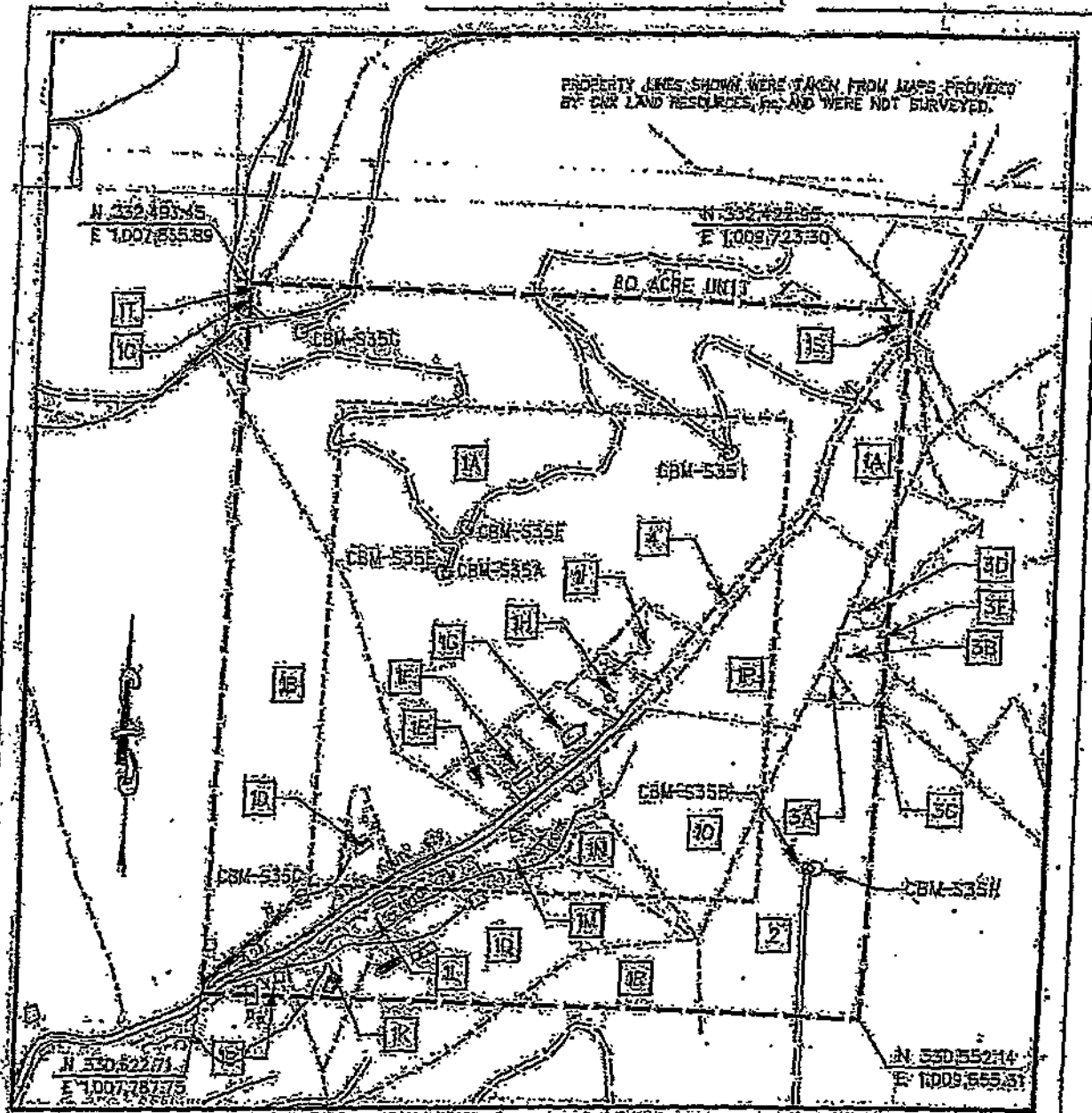


EXHIBIT A  
OAKWOOD FIELD  
UNIT S-35  
FORCE FODDING  
VGOB-98-10-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

Company DNV Gas Company LLC Well Name and Number UNIT S-35 OF OAKWOOD FIELD  
Street No.                      Elevation                      Geographic San Mountain, KS  
County Buchanan District Garfield Scale: 1" = 400' Date 10/15/05  
This plot is a new plot    or an updated plot    or a partial plot   

Form 160-60-7

*Blair D. Day*

Professional Land Surveyor

U

# CNX Gas Company LLC

## UNIT S-35 Tract Identification

1. H.S.T. Group Ltd. (168.74 Acre Tract) - All Minerals  
Island Creek Coal Company/Consolidation Coal Company - Below Drainage Coal Leased  
Jewell Smokeless Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
71.02 acres 88.7750%

1A. Barry Ferrell - Surface  
1B. Consolidation Coal Company  
1C. Jerry W. Keene, et al - Surface  
1D. Consolidation Coal Company - Surface  
1E. Stirling Osborne, et ux - Surface  
1F. Barbara A. Osborne - Surface  
1G. Ray Horn - Surface  
1H. Troy Horn, et ux - Surface  
1I. Troy Horn, et ux - Surface  
1J. Commonwealth of Virginia - Surface  
1K. Consolidation Coal Company - Surface  
1L. Silva V. Clinton, et ux - Surface  
1M. Consolidation Coal Company - Surface  
1N. Jimmy D. Compton - Surface  
1O. Billy J. Hyman - Surface  
1P. Bascom Clinton - Surface  
1Q. Naomi Clinton, et al - Surface  
1R. CNX Gas Company LLC - Surface  
1S. Kenneth Byrd - Surface  
1T. Ruth Gilbertson, et al - Surface

2. Hart McGuire Land Trust (William P. Shively 143.6 Acre Tract) - Coal  
Consolidation Coal Company - Below Drainage Coal Leased  
A.T. Massey - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Thomas Shively Heirs - Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased (7072)  
6.67 acres 8.3375%

7

# GNX Gas Company LLC

UNIT S-35

Tract Identification

3.

Hurt McGuire Land Trust (William P. Stilwell 143.5 Acre Tract) - Coal  
 Consolidation Coal Company - Below Drainage Coal Leased  
 A.T. Massey - Above Drainage Coal Leased  
 GNX Gas Company LLC - CBM Leased  
 Linkous Horn Hairs - All minerals except Coal  
 GNX Gas Company LLC - Oil, Gas and CBM Leased (10%)  
 1.15 acres 1,437.5%

2A.  
 2B.  
 2C.  
 2D.  
 2E.

Edna Justice - Surface  
 Noah Keen, et ux - Surface  
 Robert Trent - Surface  
 Noah Keen, et al - Surface  
 John David Osborne - Surface

4.

H.S.T. Group L.C. (168.71 Acre Tract) - All Minerals  
 Island Creek Coal Company/Consolidation Coal Company - Below Drainage Coal Leased  
 Jewell Smokeless Coal Corporation - Above Drainage Coal Leased  
 GNX Gas Company LLC - CBM Leased  
 Commonwealth of Virginia - Surface  
 1.15 acres 1,450.0%

6



Exhibit E  
Unit S-35  
Docket # VGOB 98-0915-0681-07  
List of Conflicting Owners/Claimants that require escrow

		Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
<u>Tract #2, 6.67 acres</u>					
<u>COAL OWNERSHIP</u>					
(1)	Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	6.67 acres	8.3375%	1.30844%	0.86250%
<u>OIL &amp; GAS OWNERSHIP</u>					
	Thomas Stilwell Heirs, Devisees, Successors or Assigns	6.67 acres	8.3375%	1.30844%	0.86250%
(7)	Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns				
(a)	Cora Arnold Heirs, Devisees, Successors or Assigns				
(a.1)	James H. Arnold, widower PO Box 1035 Raven, VA 24639	0.2779 acres 1/24 of 6.67 acres	0.3474%	0.05452%	0.03594%
<u>Tract #3, 1.15 acres</u>					
<u>COAL OWNERSHIP</u>					
(1)	Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.15 acres	1.4375%	0.22559%	0.14871%
<u>OIL &amp; GAS OWNERSHIP</u>					
	Linkous Horn Heirs, Devisees, Successors or Assigns	1.15 acres	1.4375%	0.22559%	0.14871%
(1)	Arizona Osborne Heirs, Devisees, Successors or Assigns				
(a)	Sidney Smith 1911 McVitty Road Salem, VA 24153	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(b)	Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(c)	Martha Guilliams 1911 McVitty Road Salem, VA 24153	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(2)	Lydia Blankenship Heirs, Devisees, Successors or Assigns				
(a)	Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%

Exhibit E  
Unit S-35  
Docket # VGOB 98-0915-0681-07  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
(b) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(c) [REDACTED] 6985 Horn Mountain Road Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(d) [REDACTED] PO Box 522 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(e) [REDACTED] P. O. Box 484 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns				
[REDACTED] 1109 Moore Rd. Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(g) [REDACTED] Box 12 Oakwood, VA 24631	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(h) [REDACTED] 216 Plantation Drive Richlands, VA 24641	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(i) [REDACTED] P. O. Box 585 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(j) William Osborne Heirs, Devisees, Successors or Assigns				

10

Exhibit E  
Unit S-35  
Docket # VGOB 98-0915-0681-07  
List of Conflicting Owners/Claimants that require escrow

		Acres in Unit	Percent of Unit	Division of Interest In	
				5-Right 15.69343%	6-Right 10.34483%
(j.1) Ruth Keen		(Deed of Gift to Joyce Lineberry Mae 3/16/03)			
[REDACTED] c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014		0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(k) John David Osborne Heirs, Devisees, Successors or Assigns					
[REDACTED] 1055 Mapleleaf Hollow Raven, VA 24639		0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(a) Perry W. Horn P.O. Box 33 Raven, VA 24639		0.0249 acres 13/600 of 1.15 acres	0.0311%	0.00489%	0.00322%
(4) Thelma H. Osborne Heirs, Devisees, Successors or Assigns					
(a) Paul Junior Osborne P.O. Box 60 Richlands, VA 24641		0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(b) Curtis McCoy Osborne P.O. Box 31 Raven, VA 24639		0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(c) Barbara Joyce Harmon P.O. Box 174 North Tazewell, VA 24630		0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(10) Carl Horn Heirs, Devisees, Successors or Assigns					
(a) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637		0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%

Exhibit EE  
Unit S-35  
Docket # VGOB 98-0915-0681-07  
List of Conflicting Owners/Claimants with Royalty Split Agreements

		Acres in Unit	Percent of Unit	Division of Interest In		Percent of Escrow
				5-Right 15.69343%	6-Right 10.34483%	
<u>Tract #2, 6.67 acres</u>						
<u>COAL OWNERSHIP</u>						
(1)	Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	6.67 acres	8.3375%	1.30844%	0.86250%	n/a
<u>OIL &amp; GAS OWNERSHIP</u>						
	Thomas Stilwell Heirs, Devisees, Successors or Assigns	6.67 acres	8.3375%	1.30844%	0.86250%	
(1)	Beulah V. Osborne Heirs, Devisees, Successors or Assigns					
(a)	Sterling Osborne 3639 Clifton Fork Road Raven, VA 24639	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(b)	Mae Miller 8010 Brown Mountain Road Raven, VA 24639	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(c)	Sylvia A. Miller 3999 Osborne Road Raven, VA 24639	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(d)	Doris Mitchell 1045 Jewell Ridge Road Richlands, VA 24341	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(e)	Brenda Shortt P.O. Box 652 Keen Mountain, VA 24624	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(f)	Bobby Osborne Brown Mountain Road Whitewood, VA 24657	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(g)	Danny Osborne PO Box 464 Keen Mountain, VA 24624	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(h)	Eugene Osborne 214 Carson Avenue, Apt. 46 Richlands, VA 24341	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(i)	Jerry Osborne Address Unknown	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(j)	Melvin Osborne PO Box 1239 Raven, VA 24639	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(2)	Raleigh Stilwell Heirs, Devisees, Successors or Assigns					
(a)	Martha J. aka Juanita Stilwell P.O. Box 54 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.0422%	0.16355%	0.10781%	n/a
(3)	Paul Elmer Stilwell Heirs, Devisees, Successors or Assigns					
(a)	Virginia N. Stilwell, widow 1106 Dial Road Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.0422%	0.16355%	0.10781%	n/a

Page 1 of 5

2/6/2012

12

Exhibit EE  
Unit S-35  
Docket # VGOB 98-0915-0681-07  
List of Conflicting Owners/Claimants with Royalty Split Agreements

		Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
				5-Right 15.69343%	6-Right 10.34483%	
(4)	Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.0422%	0.16355%	0.10781%	n/a
(5)	Exie Osborne Heirs, Devisees, Successors or Assigns					
	(a.1) Myrtle Smith Heirs, Devisees, Successors or Assigns					
	(a.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612	0.0695 acres 1/96 of 6.67 acres	0.0868%	0.01363%	0.00898%	n/a
	(a.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.0695 acres 1/96 of 6.67 acres	0.0868%	0.01363%	0.00898%	n/a
	(a.2) Maxie Boyd Box 972 Raven, VA 24639	0.1390 acres 1/48 of 6.67 acres	0.1737%	0.02726%	0.01797%	n/a
	(a.3) Ruth Osborne Smith Box 672 Doran, VA 24612	0.1390 acres 1/48 of 6.67 acres	0.1737%	0.02726%	0.01797%	n/a
	(a.4) Judy Blankenship Box 221 Doran, VA 24612	0.1390 acres 1/48 of 6.67 acres	0.1737%	0.02726%	0.01797%	n/a
	(a.5) John Osborne Box 6 Shortt Gap, VA 24647	0.1390 acres 1/48 of 6.67 acres	0.1737%	0.02726%	0.01797%	n/a
	(a.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.1390 acres 1/48 of 6.67 acres	0.1737%	0.02726%	0.01797%	n/a
(6)	Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns					
	(a) Hubbard Osborne 3195 Osborne Mountain Rd. Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
	(b) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
	(c) Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
	(d) Arlin W. Osborne	<i>Transferred interest to d. 1 per deed dated June 18, 2009</i>				
	(d.1) Waldon Darrell Clifton PO Box 169 Richlands, VA 24641	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
	(e) Jackie D. Osborne 1995 Altizer Road Raven, VA 24639-1995	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
	(f) Daniel J. Osborne 1068 Harvest Moon Rd. Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a

13

Exhibit EE  
Unit S-35  
Docket # VGOB 98-0915-0681-07  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
(g) Sylvia A. Shelton Byrd 549 Jacks Creek Road Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(h) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(i) Lois Casey 134 Robert St., Lot 8 Richlands, VA 24641	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(b) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(c) Jay C. Stilwell Heirs, Devisees, Successors or Assigns					
(c.1) Connie Stilwell, widow P. O. Box 723 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(d) Wanda Hagy Box 1738 Richlands, VA 24641	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(e) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(f) Theodore Stilwell HC66 Box 112A Whitewood, VA 24657	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(g) Curtis Stilwell P.O. Box 2216 Cedar Bluff, VA 24609-2216	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(8) Charlie Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(a) Bernadine R. Lisburg 1121 29th St. N Fargo, ND 58102-3158	0.2779 acres 1/24 of 6.67 acres	0.3474%	0.05452%	0.03594%	n/a
(b) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(c) David W. Stilwell 507 E. Minnesota #107 Rapid City, SD 57701	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(d) Thomas H. Stilwell 27 Horseshoe Trailer Ct. Horace, ND 58047-5718	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(e) Quentin A. Stilwell P. O. Box 154 Rhame, ND 58651	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(f) Daniel J. Stilwell 100 3rd St. SW #77 Mandan, ND 58554	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a

141

Exhibit EE  
Unit S-35  
Docket # VGOB 98-0915-0681-07  
List of Conflicting Owners/Claimants with Royalty Split Agreements

		Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
				5-Right 15.69343%	6-Right 10.34483%	
(6)	Nancy H. Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%	n/a
(7)	Earnest Horn Heirs, Devisees, Successors or Assigns					
(a)	Dorothy Horn Heirs, Devisees, Successors or Assigns					
(a.1)	Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.0575 acres 1/20 of 1.15 acres	0.0719%	0.01128%	0.00744%	3.2752%
	Entitled to 1/2 of Royalties by Deed of Gift					
	Tania Yvonne Hess 195 Anglewood Lane Cedar Bluff, VA 24609	0.0575 acres 1/20 of 1.15 acres	0.0719%	0.01128%	0.00744%	3.2752%
(8)	Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%	n/a
(9)	Sarah K. Day 905 Valley View Drive Pearisburg, VA 24134	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%	n/a



Exhibit EE  
Unit S-35  
Docket # VGOB 98-0915-0681-07  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
(g) Bernice R. Lamb 2124 County Road 116 International Falls, MN 56649	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
<u>Tract #3, 1.15 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.15 acres	1.4375%	0.22559%	0.14871%	6.5505%
<u>OIL &amp; GAS OWNERSHIP</u>					
Linkous Horn Heirs, Devisees, Successors or Assigns	1.15 acres	1.4375%	0.22559%	0.14871%	
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(b) Larry M. Horn Heirs, Devisees, Successors or Assigns	<i>Interest goes to siblings</i>				
(b.1) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0019 acres 1/600 of 1.15 acres	0.0024%	0.00038%	0.00025%	n/a
(b.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0019 acres 1/600 of 1.15 acres	0.0024%	0.00038%	0.00025%	n/a
(b.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0019 acres 1/600 of 1.15 acres	0.0024%	0.00038%	0.00025%	n/a
(c) Ivory Horn Heirs, Devisees, Successors or Assigns					
(c.1) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a
(c.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a
Pay to Nellie A. Maynard *	0.0153 acres 1/75 of 1.15 acres	0.0192%	0.00301%	0.00198%	n/a
* Although Nellie A. Maynard owns a total of 17/900 interest, she was only paid out her share of a 1/180 interest. She is to be paid for the 1/75 interest inherited from Henry Horn.					
(c.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0217 acres 17/900 of 1.15 acres	0.0272%	0.00426%	0.00281%	n/a
(c.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0217 acres 17/900 of 1.15 acres	0.0272%	0.00426%	0.00281%	n/a
(c.5) Danny W. Elder P.O. Box 748 Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a
(c.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a

14



**Exhibit A-1  
Tract-by-Tract Escrow Calculation  
12/31/2011**

**Unit S35  
VGOB 98-0915-0681-07  
Acres Escrowed: 0.877800**

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$9,274.43
Hurt McGuire Land Trust	3	0.5899			6.5505%	\$607.52
Linkous Horn Heirs		1.15				
Wesley D. Perkins (Dorothy Horn Heir)			0.0575	1/20	3.2752%	\$303.76
Tania Hess (Dorothy Horn Heir)			0.0575	1/20	3.2752%	\$303.76

**Wells contributing to the escrow account:**

**S35A & S35B**

INSTRUMENT #120001252  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
JUNE 25, 2012 AT 01:37PM

BEVERLY S. TILLER, CLERK  
RECORDED BY: GGB

7